

GARDNER, CARTON & DOUGLAS

321 N. CLARK STREET

SUITE 3400

CHICAGO, ILLINOIS 60610

(312) 644-3000

FAX: (312) 644-3381

INTERNET: gcdlawchgo@gcd.com

EPA Region 5 Records Ctr.



332791

WRITER'S DIRECT DIAL NUMBER

MARK A. LATHAM

(312) 245-8788

mlatham@gcd.com

WASHINGTON, D.C.

October 28, 2002

CONFIDENTIAL: SUBMITTED FOR SETTLEMENT PURPOSES

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. Thomas J. Krueger
Associate Regional Counsel
U.S. EPA Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Re: Ellsworth Industrial Park, Downers Grove Sanitary District

Dear Tom:

Attached are the responses of Huff & Huff to U.S. EPA's comments of October 10, 2002, on the Sampling Plan proposed by Downers Grove Sanitary District. You should have received a letter from Sheila Deely informing you that sampling will take place the week of October 28th. Based on U.S. EPA's comments, we have made several changes recommended by your technical team.

I do want to address several comments towards the end of U.S. EPA's comment letter, which in effect reserved the right to require more sampling work from the District. I must stress that our understanding and expectation is that if the proposed sampling absolves the sludge lagoons as a potential source, no further work will be required of the District, and U.S. EPA will move expeditiously to resolve the District's status as a PRP at the Ellsworth Industrial Park.

I want to reiterate the facts we discussed during our prior meetings and several telephone calls, which do not allow any other conclusion should the sampling data support our position. First, as we have previously discussed, the District does not use either TCE or PCE at the treatment plant and has had in place since 1959 an ordinance that prohibits the discharge of such constituents to the District's treatment plant. Given that there are several industrial facilities identified by U.S. EPA within the Ellsworth Industrial Site with both

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documented use of PCE or TCE and associated releases, as evidenced by soil sampling, it should have been no great surprise to U.S. EPA that there is groundwater contamination below the District's property. Since there is little, if any, supportable conclusion from the Weston Phase II data establishing groundwater flow direction, coupled with the fact that there are obvious other sources, we believe that the sampling data obtained to date from the District's property is indicative of an off-site source.

Second, U.S. EPA's October 10th letter suggests that a source other than the sludge lagoons may be present on the District's property, even if sampling rules out the lagoons as a source. This is simply unsupported speculation, and we reached consensus on this point, I thought, at the meeting we held to discuss the District's proposed Sampling Plan. Weston's Phase II report identified only the sludge lagoons as a possible source on the District's property. Steve Faryan also verbally assured us at the initial PRP meeting that the sludge lagoons were the only suspected source on the District's property. U.S. EPA initially considered the parts washer as another potential source following issuance of the Phase II report, but I believe we all agreed at our meeting to discuss the Sampling Plan that this was highly unlikely given the parts washer location, absence of releases, its enclosed structure, and use of petroleum naphtha rather than TCE or PCE. Consequently, the sludge lagoons are the only potential source that the District is investigating.

To reiterate, I must be clear in what I believe our understanding is with U.S. EPA regarding our proposed Sampling Plan: if the sampling shows that the lagoons are not a contributing source to the Ellsworth Industrial Park contamination, the U.S. EPA will quickly resolve the District's alleged CERCLA liability in accordance with U.S. EPA's Contaminated Aquifer policy or some other appropriate resolution mechanism.

If my understanding is not correct, please notify me immediately so that I may explore with the District other alternatives for resolving what I believe is a most thinly supported and unfair designation of the District as a PRP at the Ellsworth Industrial Park site.

Very truly yours,



Mark Latham

cc: Larry Cox
Don Eckmann
Mazin Enwiya
Jim Huff
Sheila Deely

